

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 06/17/2005, having a shortened statutory period for response set to expire 09/17/2005, and all prior art made of record. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 112

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, because the term "the end of a move" in claim 1, the terms "each non-winning player" and "the round winner's point total" in claim 3, and the term "the characters on their respective wordgrams" in claim 5 lack antecedent basis. Moreover, the term "atop" in claim 7 should be replaced by "upon" for consistency.

These rejections have been met by changing "the" to "an" where appropriate in claim 1, currently amended, by changing "each non-winning player" to "non-winning players" and "the" to "a" in claim 3, and by changing "atop" to "upon" in claim 7. The rejection to claim 5 is rendered moot by the cancellation of said claim.

Claim 2 also contradicts claim 1 by reciting the end of a round whereas claim 1 recites the end of a game because a round cannot end after a game has ended. Claim 2 is therefore currently amended to recite that the game is divided into rounds prior to commencement of the game.

Claim 4 contradicts claims 1 and 2 because claim 2 recites that a round ends upon a player forming a word with a second predetermined number of characters less than the first predetermined number of characters recited in claim 1 and claim 4 recites that a round ends when a player forms a word with a third predetermined number of characters less than said second number of characters. This ground of rejection as it relates to claim 4 is rendered moot by the cancellation of said claim. The rules of the game that provide for play in accordance with the

subject matter of cancelled claims 4 and 5 still apply to the game as played but claim 2 covers such rules in a generic way.

Conclusion

Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

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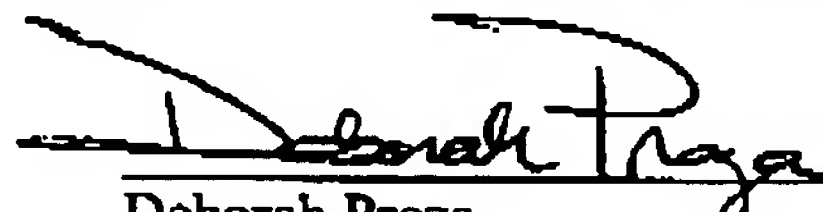
pc: Mr. John A. Ferrante

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3711, Attn: Mr. William M. Pierce, (703) 872-9306 on July 13, 2005.

Dated: July 13, 2005


Deborah Preza